Remarks

This is responsive to the Office Action mailed 5/28/2009. The amendments are proper, do not include new matter, and are entirely clarifying in nature and not made for reason of patentability in response to a rejection over a cited reference.

Support for the amendments to claim 15 that feature deriving the first user data from another metadata stored elsewhere than with the first user data is found in the various contemplated embodiments for obtaining the first user data including but not limited to the reconstructing of the first user data depicted in FIGS. 5A-5C and the descriptions thereof and the regenerating of the first user data depicted in FIGS. 6A and 6B and the descriptions thereof.

Rejection Under Section 102

Claims 1-5, 8-12, 15, 16, and 18-21 stand rejected as allegedly being anticipated by Morgan (US 5,379,411).

Independent claims 1 and 15 are amended to feature and new claim 22 features storing first metadata with first user data, and then either "retrieving" or "reconstructing/regenerating," respectively, the first user data depending on the value of the first metadata. Applicant and the Office are in agreement in the record that Morgan stores the code bits in order to post-process the data to determine which step in a process a data transfer error occurred. Morgan does not disclose or teach at least the "retrieving" or "reconstructing/regenerating" feature of amended claims 1 and 15 and new claim 22. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 and 15 and the claims depending therefrom in view of the clarifying amendments to the claims. Applicant also respectfully requests allowance of new claim 22 and the claims

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depending therefrom.

Rejection Under Section 102

Claims 1-21 stand rejected as allegedly being anticipated by Talagala (US 7,020,805).

Independent claims 1 and 15 are amended to feature and new claim 22 features storing the first metadata only at the same addressable storage location as that where the associated first user data is stored. Talagala, such as in FIG. 2, clearly discloses the version identifier being stored in two locations, one version ID 208 being stored with the associated user data 204 in data block 202 and another version ID 210 being stored apart from the data block 202. Each time the data 204 is read, Talagala requires two seeks to both version IDs 208, 210 so they can be compared in order to determine validity. Talagala discloses a solution akin to the related art FE table of FIG. 3A, to which the claimed invention offers an advantageous solution requiring only one seek to determine validity. Talagala does not disclose or teach at least the storing of first metadata only with the associated first user data as featured by amended claims 1 and 15 and new claim 22. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 and 15 and the claims depending therefrom in view of the clarifying amendments to the claims. Applicant also respectfully requests allowance of new claim 22 and the claims depending therefrom.

Conclusion

This is a complete response to the pending Office Action in this case. Applicant respectfully requests passage of all pending claims to allowance.

Applicant has also submitted herewith a request for telephone interview. Absent a favorable reconsideration, the interview is necessary and appropriate in accordance with the intended examination procedure for a case such as this that has been made special for accelerated examination.

The Office is encouraged to contact the undersigned should any questions arise concerning this response or request for interview.

Respectfully submitted,

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